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Richard A. Dunning, Jr.

PTO/SB/21 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Technology Center 2600

Application Number & TRANSMITTAL 10/008,613 3742 Confirmation Number **FORM** 11/8/2001 Filing Date (to be used for all correspondence after initial filing) Pierce First Named Inventor Group Art Unit Examiner Name Total Number of Pages in This Submission Attorney Docket Number RSM014001 ENCLOSURES (check all that apply) After Allowance Communication Assignment Papers Fee Transmittal Form (for an Application) to Group Appeal Communication to Board of Fee Attached Drawing(s) Appeals and Interferences Appeal Communication to Group Licensing-related Papers Amendment / Reply (Appeal Notice, Brief, Reply Brief) Petition After Final Proprietary Information Petition to Convert to a Affidavits/declaration(s) Status Letter Provisional Application Power of Attorney, Revocation Change of Correspondence Other Enclosure(s) (please Extension of Time Request identify below): Address Express Abandonment Request Copies of Cited Documents, Postcard Terminal Disclaimer Information Disclosure Statement Request for Refund RECEIVED Certified Copy of Priority CD, Number of CD(s) Document(s) FEB 2 5 2004 Response to Missing Parts/ Remarks

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

 Applicant : Pierce et al.
 Art Unit :

 Serial No. : 10/008,613
 Examiner :

 Filed : 11/8/2001
 Conf. No. : 3742

Title : SERVICES BASED ON POSITION LOCATION USING BROADCAST

DIGITAL TELEVISION SIGNALS

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INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §§ 1.56 and 1.97-98

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is a modified form PTO-1449 listing documents for consideration by the Examiner.

The filing of this Information Disclosure Statement shall not be construed as a 'verpresentation regarding the completeness of the list of documents, or that inclusion of a document in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission negarist interest in any manner.

This Information Disclosure Statement is being filed:

- within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;
- □ before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;
- after three months from the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; or (2) an action that otherwise closes prosecution in the application, and:

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

1 hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Meant Survey

Diane Dunning

Typed or Printed Name of Person Signing Certificate

Attorney's Docket No.: RSM014001 Applicant : Pierce Serial No.: 10/008.613 Filed : 11/8/2001 Page: 2 attached hereto is the fee set forth under 37 CFR § 1.17(p) for submission of this Information Disclosure Statement under 37 CFR § 1.97(c); OR Applicant certifies pursuant to 37 CFR § 1.97(e) that: each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; or (2) an action that otherwise closes prosecution in the application, and: Applicant certifies pursuant to 37 CFR. § 1.97(e) that: each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; or no item of information contained in this Information Disclosure П Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND attached hereto is the fee set forth under 37 CFR § 1.17 (p) for submission П

of this Information Disclosure Statement under 37 CFR § 1.97(c); OR

after the payment of the issue fee. Applicant requests that the information П contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.

This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No. / , , filed on , and the documents cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).

Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).

Attorney's Docket No.: RSM014001 Applicant : Pierce Serial No.: 10/008,613 : 11/8/2001 Filed

Page: 3

Applicant submits that no fee is required for the consideration of this Information \times Disclosure Statement.

Consideration of the listed documents and favorable action are respectfully requested.

Date: Law Office of Richard A. Dunning, Jr.

343 Soquel Avenue, Suite 311 Santa Cruz, CA 95062

Telephone: 831.420.0561 Facsimile: 413.541.0092 Respectfully submitted,

Richard A. Dunning, Jr.

Attorney/Agent for Applicant(s)

Reg. No. 42502

RSM014001

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Substitute for form 1449A/PTO Complete if Known 3742 Appl. No. & Conf. No. 10/008,613 INFORMATION DISCLOSURE 11/8/2001 Filing Date STATEMENT BY APPLICANT First Named Inventor Pierce et al. Group Art Unit (use as many sheets as necessary) **Examiner Name**

Attorney Docket Number

U.S. PATENT DOCUMENTS												
Examiner Initials*	Cite No.1	U.S. Patent I	Document Kind Code ² (if known)	Name of Petentee or Applicant of Cited Document	Dete of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Pessages or Relevent Figures Appear						
/T.N./	Α	6,147,642		Perry et al.	11-14-2000							
/T.N./	В	6,181,921	B1	Konisi et al.	01-30-2001							
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Exeminer Initials*	Cite No. ¹	Foreign Patent Document				Dete of Publication of	Pages, Columns, Lines,	Τ.
		Office ³	Number ⁴	Kind Code ⁵ (if known)	Name of Petentee or Applicant of Cited Document	Cited Document MM-DD-YYYY	Where Relevant Passages or Relevant Figures Appear	T*
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^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Considered

/Timothy Newlin/

Signature

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